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REMARKS

The Examiner has objected to Claim 18. Such objection has been avoided with the clarifications made to such claim hereinabove.

The Examiner has rejected Claims 1-7, 12-14, and 16-18 under 35 U.S.C. 102(b) as being anticipated by Iliff (U.S. Patent No. 5,660,176). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove.

Specifically, applicant has amended each of the independent claims to include the subject matter of former Claims 2, 3, 5, 6, and 16.

Regarding the subject matter of Claims 2, 3, 5, 6 and 16 (now incorporated into each of the independent claims), the Examiner states that "collecting information like gender and preferences ... could also inherently include phone numbers, address, city [and] billing info." Applicant respectfully disagrees with such assertion, since it appears that the Examiner has failed to distinguish the requirements of Iliff's medical advice system with respect to the requirements of applicant's "handling unregistered callers" (see all independent claims).

Applicant contends that Iliff does not disclose, teach or even suggest collecting information including a phone number, billing information, address, and/or city of a user, as specifically claimed by applicant. Iliff states that "[t]he more information the MDATA system has about a patient, however, the more specific its advice," (see column 33, lines 27-28), which suggests only collecting information pertinent to aiding in the search of accurate medical advice. Applicant asserts that a phone number, billing information, address, and/or city of a user (see all independent claims) does not correspond to the type of information applicable to Iliff, such as age and sex of the user (see column 33, lines 24-25), and thus would not be inherent in Iliff's collecting of information.

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It appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements, is respectfully requested. (See MPEP 2112)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met since the prior art fails to suggest all of the claim limitations, as noted above.

Furthermore, applicant notes the numerous deficiencies existent in the rejection of each of applicant's dependent claims. Just by way of example, regarding Claim 7, the Examiner relies on Iliff's disclosure of requiring "the patient's age and sex...in order to give medical advice" (see column 33, lines 25-60) to make a prior art showing of applicant's claimed "wherein the information includes preferences." Applicant asserts that nowhere in Iliff is there even a suggestion of collecting information which includes a user's preferences. Iliff simply collects information pertinent to providing medical advice (e.g. age and sex), and not user preferences regarding registration, as specifically claimed by applicant.

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Regarding Claim 13, the Examiner relies on Iliff's disclosure of an "assistant" (see column 34, lines 35-60) to make a prior art showing of applicant's claimed "wherein the information is entered verbally utilizing a telephone by way of an attendant." Applicant respectfully asserts that the teaching of an "assistant" in Iliff is in no way even a suggestion of applicant's claimed "attendant". Specifically, the "assistant" in Iliff is a person calling on behalf of the patient (see column 34, lines 39-41 and Figure 7A). Applicant, on the other hand, is claiming an attendant, who is a live person that collects information as opposed to utilizing the automated voice recognition framework to collect the information.

The Examiner has also rejected Claims 8-11 and 15 under 35 U.S.C. 103(a) as being unpatentable over Iliff. Applicant respectfully disagrees with such rejection.

With respect to dependent Claims 8-11 and 15, the Examiner has simply dismissed the same as being obvious, without a specific prior art showing. For example, with respect to Claims 8 and 9 the Examiner states, "[o]ne of ordinary skill in the art would know that the information preferences stored could be linked to the application or system being accessed. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to include these preferences because they make the system more user-friendly."

In response, applicant asserts that the Examiner has failed to even show a mere suggestion in Iliff of collecting user preferences via voice recognition, as explained in applicant's refutation of the Examiner's rejection of Claim 7 above. In addition, applicant emphasizes that collecting a user's preferences regarding "personalization information, data relating to a stock portfolio of the user, and/or sports of interest to the user" would not have been obvious with respect to Iliff because Iliff simply concerns registering users for medical diagnostics and treatment advice (see Abstract) in which applicant's above claimed preferences would not relate.

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Further, with respect to dependent Claims 10 and 11, the Examiner states that "[o]ne of ordinary skill in the art would know that a computer and the Internet could be used." Applicant respectfully emphasizes the Examiner's above reasoning is deficient in that it fails to address the fact that Iliff's entire invention relates to a system wherein the "medical advice is provided to the general public over a telephone network" (see Abstract). Applicant asserts that in light of the scope of Iliff's invention, it would not have been obvious for "information [to be] entered by a user utilizing a computer coupled to a network" and "wherein the network includes the Internet" (see Claims 10 and 11).

Additionally, with respect to dependent claim 15, the Examiner states that "[o]ne of ordinary skill in the art would know that various promotional information could be presented to the user while he is on the phone ('hold commercials', 'discount specials')." Applicant respectfully asserts that it would not have been obvious to provide applicant's claimed "presenting promotion information to the user during the registration process" (see Claim 15) in view of Iliff's computerized medical diagnostic and treatment advice system. Specifically, applicant contends that the Examiner has failed to show any correlation between giving medical advice and presenting promotion information, and has further failed to give a specific prior art showing of presenting promotion information, in the manner claimed by applicant.

It thus appears that the Examiner is relying on Official Notice. In response, applicant points out the remarks above that clearly show the manner in which such claims further distinguish Iliff. Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

Applicant further brings the Examiner's attention to applicant's added Claims 19-27, which include the following subject matter believed to be allowable:

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“wherein the handling unregistered callers is managed by a platform comprised of a presentation layer, an application logic layer, an information access services layer, and a telecom infrastructure” (Claim 19);

“wherein the application logic layer provides a set of reusable application components and a software engine for the execution thereof, the information access services layer provides access to modular value-added services, and the presentation layer provides a mechanism for communicating with the user” (Claim 20);

“wherein the platform enables developers to create custom services to extend the platform” (Claim 21);

“wherein the determining whether a user is registered comprises gathering information relating to the user from a first database and comparing the information against a second database of registered users” (Claim 22);

“wherein the information relating to the user is gathered via call description records” (Claim 23);

“wherein a plurality of services is provided to the user including a nationwide business finder service, a nationwide driving directions service, a nationwide traffic updates service, a worldwide weather service, a news service, a sports service, a stock quotes service, and an infotainment service” (Claim 24);

“wherein directions are given to the user explaining the registration process and a process by which the user may exit the registration process” (Claim 25);

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"wherein executing the registration process comprises receiving an account number that identifies a telecommunication carrier from which the user was transferred to the registration process, establishing a unique user account number for the user, and establishing a personal identification number for the user" (Claim 26); and

"wherein the registration process includes returning the user to a main menu after the registration process is complete, and upon receipt and detection of a keyword" (Claim 27).

Again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOC013).

Respectfully submitted,  
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